

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Brandon M. Pritchett,

Case No. 22-cv-1852 (KMM/DTS)

Plaintiff,

v.

REPORT AND RECOMMENDATION

Sadie Tyere Hatley,

Defendant.

In an order dated August 22, 2022, this Court directed plaintiff Brandon M. Pritchett, a prisoner, to submit financial documentation from which the initial partial filing fee owed in this case could be calculated. See Docket No. 4 (citing 28 U.S.C. § 1915(b)). Pritchett was given 21 days to provide the required financial documentation, failing which it would be recommended that this action be dismissed without prejudice for failure to prosecute. See Fed. R. Civ. P. 41(b).

That deadline has now passed, and Pritchett has not submitted the required financial documentation. In fact, Pritchett has not communicated with the Court about this case at all since commencing this action. Accordingly, this Court now recommends, in accordance with its prior order, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. See *Henderson v. Renaissance Grand Hotel*, 267 F. App'x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY RECOMMENDED that this action be DISMISSED WITHOUT PREJUDICE under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: September 22, 2022

s/David T. Schultz
DAVID T. SCHULTZ
U.S. Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. LR 72.2(b)(2). All objections and responses must comply with the word or line limits set for in LR 72.2(c).